


ORIGINAL

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| State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION | | | PUBLIC MATTER |
|--|--|---|----------------------|
| Counsel For The State Bar Kimberly G. Anderson, SBN 150359 The State Bar of California 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1093 Bar # 150359 | Case Number(s): 11-O-19134-RAH | For Court use only FILED AUG 10 2012 STATE BAR COURT CLERK'S OFFICE LOS ANGELES kwiktag® 152 141 511  | |
| In Pro Per Respondent Dennis M. Assuras 12930 Central Avenue Chino, CA 91710 (909) 627-6164 Bar # 85874 | Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED | | |
| In the Matter of: Dennis M. Assuras Bar # 85874 A Member of the State Bar of California (Respondent) | | | |

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted May 31, 1979.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 19 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2011)

Actual Suspension

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☒ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☐ Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
 - (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Stipulation Attachment at page 16.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. See Stipulation Attachment at page 16.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(Effective January 1, 2011)

Actual Suspension

- (13) ☐ No mitigating circumstances are involved.

Additional mitigating circumstances:

See Stipulation Attachment at page 16.

D. Discipline:

- (1) ☒ Stayed Suspension:

- (a) ☒ Respondent must be suspended from the practice of law for a period of one (1) year.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.

- (2) ☒ Probation:

Respondent must be placed on probation for a period of three (3) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

- (3) ☒ Actual Suspension:

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of 30 days.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of

information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

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- ☐ No MPRE recommended. Reason:
- (2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

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| In the Matter of: Dennis M. Assuras | Case Number(s): 11-O-19134-RAH |
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Financial Conditions

a. Restitution

- ☐ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

| Payee | Principal Amount | Interest Accrues From |
|-------|------------------|-----------------------|
| | | |
| | | |
| | | |

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

| Payee/CSF (as applicable) | Minimum Payment Amount | Payment Frequency |
|---------------------------|------------------------|-------------------|
| | | |
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- ☐ If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

c. Client Funds Certificate

- ☒ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Dennis M. Assuras

CASE NUMBER(S): 11-O-19134-RAH

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 11-O-19134 (State Bar Investigation)

FACTS:

1. At all relevant times alleged herein, Respondent maintained a client trust account no. xxxxx-x2384¹ at Bank of America ("CTA").
2. During the period from March 30, 2011 through October 26, 2011, Respondent deposited client funds into his CTA and paid personal expenses out of his CTA.
3. During the period from about March 30, 2011 through about October 26, 2011, Respondent repeatedly issued checks drawn upon his CTA to pay his personal expenses including, but not limited to, the following:

| Date Issued | Check No. | Payee | Amount |
|--------------------|------------------|----------------------------|---------------|
| 3/30/11 | 3550 | Staples | \$18.49 |
| 4/4/11 | 3553 | Postmaster | \$22.84 |
| 4/7/11 | 3559 | Staples | \$179.43 |
| 4/12/11 | 3561 | Staples | \$18.48 |
| 4/12/11 | 3562 | Staples | \$54.35 |
| 4/18/11 | 3565 | Claim Check Graphics | \$500.00 |
| 4/29/11 | 3575 | Claim Check Graphics | \$500.00 |
| 4/30/11 | 3535 | Stein Mart | \$72.78 |
| 5/6/11 | 3581 | DMV (for Mercedes Tags) | \$121.00 |
| 5/6/11 | 3582 | DMV (for Honda Tags) | \$113.00 |

¹ The account number has been redacted to protect the account and the account holder.

| | | | |
|---------|------|--|----------|
| 5/17/11 | 3588 | Claim Check Graphics (for car wash ad) | \$500.00 |
| 5/24/11 | 3596 | Claremont Tire & Auto | \$894.76 |
| 5/26/11 | 3598 | Quill.com (for folders, toner, etc.) | \$340.12 |
| 5/26/11 | 3599 | Roberta Lahr (paralegal) | \$500.00 |
| 6/7/11 | 3610 | Maria Turciadis (office cleaning) | \$50.00 |
| 6/9/11 | 3613 | Michelle Assuras | \$260.00 |
| 6/12/11 | 3502 | Staples | \$34.33 |
| 6/16/11 | 3621 | Staples | \$326.24 |
| 6/16/11 | 3625 | Michelle Assuras | \$340.00 |
| 6/21/11 | 3631 | Michelle Assuras | \$205.00 |
| 6/23/11 | 3633 | Michelle Assuras | \$280.00 |
| 6/27/11 | 3627 | Auto Club | \$141.00 |
| 6/27/11 | 3628 | Police Expo | \$35.00 |
| 7/1/11 | 3637 | Roberta Lahr (paralegal) | \$250.00 |
| 7/1/11 | 3638 | Roberta Lahr (paralegal) | \$221.40 |
| 7/1/11 | 3640 | Michelle Assuras | \$360.00 |
| 7/7/11 | 3644 | Michelle Assuras | \$403.10 |
| 7/14/11 | 3650 | Michelle Assuras | \$260.00 |
| 7/22/11 | 3679 | Specialized Mercedes | \$550.76 |
| 7/25/11 | 3680 | Roberta Lahr (paralegal) | \$400.00 |
| 8/17/11 | 3693 | Chino Kiwanis Club | \$250.00 |
| 8/31/11 | 3691 | Staples | \$83.52 |
| 9/1/11 | 3710 | Michelle Assuras | \$360.00 |
| 9/2/11 | 3714 | SBC Tax Collector | \$67.75 |
| 9/7/11 | 3711 | Michelle Assuras | \$260.00 |
| 9/9/11 | 3716 | Toner 2 Print | \$109.06 |
| 9/9/11 | 3717 | Michelle Assuras | \$240.00 |

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|----------|------|----------------------------|----------|
| 9/12/11 | 3713 | SBC Tax Collector | \$172.59 |
| 9/13/11 | 3722 | Quicken | \$208.84 |
| 9/15/11 | 3725 | Staples | \$27.99 |
| 9/20/11 | 3732 | Postmaster | \$25.00 |
| 9/21/11 | 3738 | Claim Check Graphics | \$750.00 |
| 9/28/11 | 3740 | Michelle Assuras | \$280.00 |
| 10/3/11 | 3743 | Professional Secretarial | \$150.00 |
| 10/3/11 | 3744 | Professional Secretarial | \$50.00 |
| 10/4/11 | 3745 | Michelle Assuras | \$200.00 |
| 10/6/11 | 3747 | Postmaster | \$67.24 |
| 10/6/11 | 3748 | Breast Cancer Support Fund | \$10.00 |
| 10/7/11 | 3735 | Claim Check Graphics | \$750.00 |
| 10/25/11 | 3760 | Michelle Assuras | \$240.00 |
| 10/26/11 | 3761 | Quill Corp. | \$242.14 |

4. During the period from March 30, 2011 through November 30, 2011, Respondent repeatedly made check card purchases and/or electronic debits drawn upon his CTA to pay his personal expenses including, but not limited to, the following:

| Date | Payee | Amount |
|---------|-----------------|----------|
| 4/4/11 | Juriseach.Com | \$39.95 |
| 4/4/11 | Chevron | \$54.23 |
| 4/6/11 | Chevron | \$23.00 |
| 4/6/11 | Vz Wireless | \$323.33 |
| 4/6/11 | Verizon | \$339.60 |
| 4/11/11 | Chevron | \$60.63 |
| 4/15/11 | Chevron | \$66.58 |
| 4/22/11 | Chevron | \$60.57 |
| 4/22/11 | Capital One ARC | \$86.06 |
| 4/22/11 | Capital One ARC | \$86.57 |

| | | |
|---------|-------------------|----------|
| 5/4/11 | Jurisearch.com | \$39.95 |
| 5/4/11 | Chevron | \$39.95 |
| 5/11/11 | Chevron | \$63.19 |
| 5/11/11 | Vz Wireless | \$336.78 |
| 5/12/11 | Verizon | \$337.61 |
| 5/13/11 | Chevron | \$27.62 |
| 5/18/11 | Chevron | \$62.74 |
| 5/23/11 | Chevron | \$61.10 |
| 5/24/11 | Target | \$200.00 |
| 5/26/11 | Capital One ARC | \$103.49 |
| 5/26/11 | Capital One ARC | \$114.13 |
| 5/31/11 | Chevron | \$13.26 |
| 5/31/11 | Chevron | \$56.59 |
| 6/1/11 | Jurisearch.cpm | \$39.95 |
| 6/6/11 | Chevron | \$42.06 |
| 6/8/11 | Vz Wireless | \$332.37 |
| 6/9/11 | Chevron | \$50.55 |
| 6/13/11 | Kohls Dept. Store | \$43.49 |
| 6/14/11 | Village Hat Shop | \$45.93 |
| 6/17/11 | Chevron | \$47.88 |
| 6/20/11 | Capital One ARC | \$144.18 |
| 6/22/11 | Capital One ARC | \$113.28 |
| 6/23/11 | Verizon | \$605.68 |
| 6/24/11 | Chevron | \$56.95 |
| 6/27/11 | Chevron | \$13.82 |
| 6/29/11 | State Farm | \$274.31 |
| 7/1/11 | Chevron | \$55.69 |

| | | |
|---------|-----------------|----------|
| 7/5/11 | Chevron | \$56.86 |
| 7/6/11 | Jurisearch.com | \$39.95 |
| 7/8/11 | Chevron | \$47.57 |
| 7/11/11 | Chevron | \$12.46 |
| 7/11/11 | Chevron | \$56.69 |
| 7/18/11 | Chevron | \$58.90 |
| 7/18/11 | Capital One ARC | \$141.29 |
| 7/22/11 | Chevron | \$47.83 |
| 7/25/11 | Chevron | \$54.57 |
| 7/25/11 | Capital One ARC | \$111.12 |
| 7/27/11 | Vz Wireless | \$334.98 |
| 7/27/11 | Verizon | \$339.41 |
| 8/3/11 | Jurisearch.com | \$39.95 |
| 8/4/11 | Chevron | \$58.20 |
| 8/8/11 | Chevron | \$13.23 |
| 8/10/11 | Chevron | \$57.39 |
| 8/16/11 | Chevron | \$54.89 |
| 8/18/11 | Chevron | \$38.65 |
| 8/22/11 | Chevron | \$12.25 |
| 8/23/11 | Chevron | \$57.00 |
| 8/25/11 | Capital One ARC | \$140.86 |
| 8/29/11 | Verizon | \$370.57 |
| 8/29/11 | Capital One ARC | \$110.07 |
| 8/30/11 | Chevron | \$57.51 |
| 8/30/11 | Reader's Digest | \$24.98 |
| 8/30/11 | State Farm | \$70.77 |
| 9/6/11 | Chevron | \$13.10 |

| | | |
|----------|-------------------|----------|
| 9/6/11 | Amazon | \$25.41 |
| 9/6/11 | Jurisearch.com | \$39.95 |
| 9/6/11 | Chevron | \$59.24 |
| 9/6/11 | California Angels | \$238.50 |
| 9/7/11 | Amazon | \$25.80 |
| 9/8/11 | Chevron | \$46.17 |
| 9/12/11 | Chevron | \$11.76 |
| 9/12/11 | Vz Wireless | \$338.47 |
| 9/14/11 | Chevron | \$56.50 |
| 9/19/11 | Chevron | \$59.42 |
| 9/19/11 | Capital One ARC | \$119.89 |
| 9/26/11 | Chevron | \$57.94 |
| 9/28/11 | Capital One ARC | \$108.61 |
| 9/29/11 | Chevron | \$57.07 |
| 10/5/11 | Jurisearch.com | \$39.95 |
| 10/7/11 | Chevron | \$20.02 |
| 10/7/11 | Chevron | \$48.00 |
| 10/11/11 | Chevron | \$10.05 |
| 10/11/11 | Cycle Rider | \$285.56 |
| 10/17/11 | Chevron | \$10.28 |
| 10/17/11 | Chevron | \$54.55 |
| 10/20/11 | Verizon | \$44.99 |
| 10/20/11 | Vz Wireless | \$221.56 |
| 10/20/11 | Verizon | \$296.17 |
| 10/21/11 | Chevron | \$58.12 |
| 10/21/11 | Capital One ARC | \$138.39 |
| 10/27/11 | Chevron | \$48.67 |

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|----------|-------------------|----------|
| 10/31/11 | Chevron | \$56.86 |
| 10/31/11 | Kohls Dept. Store | \$156.21 |
| 11/3/11 | Jurisearch.com | \$39.95 |
| 11/3/11 | Chevron | \$33.54 |
| 11/9/11 | Chevron | \$58.27 |
| 11/10/11 | Amtrak | \$45.90 |
| 11/14/11 | Chevron | \$30.50 |
| 11/14/11 | Chevron | \$55.35 |
| 11/14/11 | Capital One ARC | \$145.91 |
| 11/15/11 | Vz Wireless | \$219.67 |
| 11/15/11 | State Farm | \$278.98 |
| 11/17/11 | Verizon West | \$303.97 |
| 11/18/11 | Chevron | \$7.46 |
| 11/21/11 | Chevron | \$11.06 |
| 11/23/11 | Chevron | \$56.95 |
| 11/25/11 | Amtrak | \$56.10 |
| 11/29/11 | Chevron | \$54.19 |

5. Respondent did not maintain client trust account ledgers for each of his clients at any time between March 30, 2011 and January 24, 2012. Respondent did not maintain a written account journal for his CTA at any time between March 30, 2011 and January 24, 2012. Respondent did not maintain monthly reconciliations of his CTA at any time between March 30, 2011 and January 24, 2012.

CONCLUSIONS OF LAW:

6. By issuing the personal payments out of his CTA, Respondent deposited or commingled funds belonging to Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import in willful violation of rule 4-100(A) of the Rules of Professional Conduct.

7. By failing to maintain client trust account ledgers for each of his clients, a written account journal for his CTA and monthly reconciliations of his CTA at any time between March 30, 2011 and January 24, 2012, Respondent failed to maintain, and to preserve for five years from final appropriate disposition, complete records of all client funds coming into Respondent's possession in willful violation of rule 4-100(B)(3) of the Rules of Professional Conduct.

AGGRAVATION.

Multiple Acts of Misconduct: Respondent's actions involved multiple acts of misconduct.

MITIGATION.

Candor/Cooperation:

Respondent admitted the misconduct immediately upon being notified of the State Bar Investigation. Respondent has also agreed to enter into this stipulation prior to the filing of any disciplinary charges.

Additional Mitigating Circumstances:

Though the misconduct is serious, Respondent has had no prior discipline since being admitted to practice law in 1979.

There was no harm to any clients and Respondent admitted that he had become lax, after more than 30 years of practicing law in properly transferring funds from his client trust account to his general account before making payments for personal expenditures. Respondent also admits he had become lax in maintaining proper accounting records.

Respondent has changed his practices to comply with rule 4-100 of the Rules of Professional Conduct by not depositing his personal funds in his client trust account and by not issuing checks or debits directly out of his client trust account. Respondent maintains a separate personal account and business account for his own deposits of his personal funds and payments of personal and non-client-related expenditures. Respondent still maintains a client trust account to hold client funds in trust and to make payments on behalf of clients to clients and/or third parties. (*In the Matter of Bleeker* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 113, concluding that respondent's admission to the misconduct and changed business practices to prevent future misconduct was a mitigating circumstance.)

Respondent performs some pro bono work and he has served as a member of the Board of Directors of the Chino Youth Boxing Foundation since April 2009. The Chino Youth Boxing Foundation is a nonprofit organization that began in the 1960's as a gang diversion and intervention program to help young people develop self-esteem, self-respect, character, responsibility self-discipline and a sense of pride. Respondent volunteers his time on a monthly basis and for special events. (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 785, stating, "[S]ervice to the community is a mitigating factor that is entitled to 'considerable weight.'")

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was July 6, 2012.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.2(b) of the Standards for Attorney Sanctions for Professional Misconduct is the applicable Standard to both violations of rule 4-100(A) and rule 4-100(B)(3) of the Rules of Professional Conduct. Standard 2.2(b) requires 90 days actual suspension for trust account violations which do not involve misappropriation.

In determining the level of discipline, the Standards are entitled to great weight. (*In re Silverton* (2005) 36 Cal.4th 81, 89-94 and *In re Brown* (1995) 12 Cal.4th 205, 220. But the Standards are not applied in a talismanic fashion, and the Court tempers its analysis of the proper level of discipline by considerations peculiar to the offense and the offender.” (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.)

Historically, both the Court and the Review Department have imposed significantly less than 90 days’ actual suspension for rule 4-100 violations when appropriate. (*Sternleib v. State Bar* (1990) 52 Cal.3d 317 [30-day suspension for attorney who made numerous withdrawals from trust account for attorney’s fees during a six-and-one half-month period without client authorization and for failing to render an account]; *In the Matter of Blum* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 403 [30-day suspension for grossly negligent oversight of trust account constituting moral turpitude which resulted, inter alia, in delaying payment of \$5,618.25 to client for 13 months and six-month delay in distribution of settlement funds to another client, as well as collection of illegal fees.]; *In the Matter of Respondent F* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 17 [private reproof for “inadequate supervision” of trust account for several months with no misappropriation and strong mitigation]; *In the Matter of Respondent E* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 716 [private reproof for failure to place disputed funds in trust account by attorney with no prior discipline, strong character evidence and extensive pro bono activities as mitigation]; *In the Matter of Lazarus* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 387 [two months’ stayed suspension and one year probation for unilateral withdrawal of fees from trust account not involving moral turpitude, plus failure to notify client of receipt of settlement and to render accounting]; *In the Matter of Whitehead* [45 days’ actual suspension for commingling, plus failure to act competently, supervise associates, and respond to client’s subsequent attorney and State Bar with “extensive” mitigation.]

In *Coppock v. State Bar* (1988) 44 Cal.3d 665, the Court did impose a 90-day actual suspension where the attorney was involved in commingling, but the attorney was also found to have permitted the trust account to be used to conceal funds. In the instant case, which is distinguishable from *Coppock*, the Respondent did not use his client trust account to conceal funds.

In *In the Matter of Bleeker* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 113, the attorney received a 60-day actual suspension for commingling, but there was also evidence that he used his trust account to conceal assets from tax levy and he misappropriated \$271 from a client. Respondent did not conceal assets or misappropriate any money. Like the attorney in *Bleeker*, Respondent has admitted his wrongdoing early in the investigation and he has changed his practices.

Respondent has been an attorney for more than thirty years, has no prior record of discipline, and there was no harm to any client or any other dishonesty associated with Respondent’s misuse of his CTA. However, some period of actual suspension is necessary to impress upon the Respondent that all trust account violations are serious, and because the commingling occurred over an approximate 8-month time period and was not due to some mistake, but instead due to Respondent’s laxness in handling his trust account.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of July 6, 2012, the prosecution costs in this matter are approximately \$3,093.81. Respondent further

acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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| In the Matter of: Dennis M. Assuras | Case number(s): 11-O-19134-RAH |
|--|-----------------------------------|

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

7/11/12 _____ DENNIS M. ASSURAS
Date Respondent's Signature Print Name

Respondent's Counsel Signature Print Name

7/16/12 _____ KIMBERLY G. ANDERSON
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of:
Dennis M. Assuras

Case Number(s):
11-O-19134-RAH

ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

At page 3, check the box at item C.(2) regarding No Harm.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

8/10/12


RICHARD A. HONN

Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on August 10, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

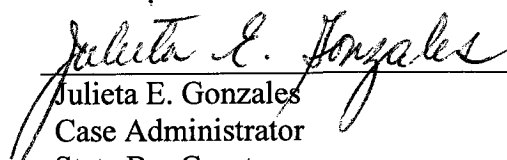
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DENNIS M ASSURAS ESQ
12930 CENTRAL AVE
CHINO, CA 91710

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Kimberly G. Anderson, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 10, 2012.



Julieta E. Gonzales
Case Administrator
State Bar Court